



## Land Use and Zoning Meeting Minutes

February 23, 2012

STAFF:	David Radachy
DATE:	February 24, 2012
APPROVED BY:	<i>ju3</i>

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:28 p.m. by Chairman Welch.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Constantine, Kenyon, Klco, Morse, Terriaco and Welch, and Mmes. Diak and Ross. Staff: David Radachy.

Mr. Welch asked for any comments from the public. No comments were made.

Mr. Welch asked Mr. Radachy to present the cases. There were four cases on the agenda.

### **Leroy Township Case – Text Amendment to Section 2 – Definitions, Section 17 Commercial and Industrial Regulations, Section 13, Zoning Permit and Section 14 Conditional Use**

Staff stated that Section 2 – Definitions was being amended based on changes to Section 17. Leroy Township was converting their uses to a table format and they were adding new uses. The new uses had to have their definitions added to Section 2. Staff stated that the original definition of Hospital was not removed from the language. If not removed, the zoning resolution will have two definitions of hospital and wholesale business was listed twice in the text amendment.

Staff recommended approval with the deletion of the original hospital definition and one of the duplicated wholesale business definitions.

Mr. Welch asked the committee if they wished to do separate recommendations or one recommendation. The committee stated they wished to do one recommendation.

Staff stated that revised Section 17 will replace Section 17 but Sections 18 and 29 of the current zoning resolution would remain. Staff felt that Leroy Township should remove Sections 18 and 29 from the Zoning Resolution if they accept the revised Section 17. Staff stated that they should give notice that they are removing those sections as they could not just delete them based on our recommendation.

Staff stated that Leroy Township was adding two new districts and those new zoning districts are not referenced in Sections 3, Districts, Section 30, Site Plan Review and Section 32, Architectural Design Standards. The districts would have to be added in order for those sections to be used.

Staff also stated that Leroy Township should add conditions for the proposed conditional uses in Section 17.03. Mr. Kenyon stated that the Zoning Commission wanted to keep the process moving and they wanted to get the uses into a table sooner rather than later. Staff stated only the general requirements for the new conditional uses could be enforced until the conditions for the new conditional uses are accepted.

Staff stated that the new zoning district names are not consistent with the original system. The old system was B-1 and B-1 and the new system is TC and NB. There are no front setback requirements for lots that are located on roads other than Vrooman, Carter, S.R. 86, Girdled, Leroy Center and Huntoon. Land located other roads could be rezoned at a later date or currently zoned land may be on corner lot of a road that is not named in the regulations.

The performance standards only reference the Industrial and Manufacturing District. Section 17.01 currently states "Any above use shall be permitted only providing such use is not injurious, dangerous or offensive by reason of emissions of odor, dust, smoke, gas, noise, fumes, flame, or vibration" and Section 29.05 states all uses have to be in conformance with Section 18.03.

Staff recommended that the zoning amendment be tabled until the following items are done:

1. Delete Sections 18 and 29. This may require another public hearing.
2. Add conditions for new uses to Section 14. This may require another public hearing.
3. Spell development correctly in Section 17.12.
4. Revise the names of the NB and TC to B-3, Local Business, and B-4, Community Business.
5. Add a front setback for roads other the than the named roads in Section 17.05.
6. Replace "All uses in the Industrial and Manufacturing District (I) shall conform..." with "All uses in Leroy Township shall conform"... You may also consider moving this language to Section 7, General Requirements, but this may require another public hearing.
7. Add the new districts to Sections 3, 30 and 32. This may require another public hearing.
8. Review Section 26, Landscaping and Screening to see if any changes are warranted.
9. Charity boxes are similar to trash receptacles and should be required to obtain a zoning permit. Remove the use from uses not requiring a zoning permit.
10. Do not allow flag poles, statuary, art or charity boxes in the right-of-way.
11. Review Section 25, Off Street Parking, to see if any changes are warranted.

Staff stated that Section 13.2 requires a zoning certificate be obtained for any agriculture use or building in Leroy Township. It also establishes that there is no fee. The change to Section 13.2 is in response to the addition of Section 4.02, which requires the issuing of zoning permits for all agricultural uses.

Language was added to Section 14.10 that states the Board of Zoning Appeals will renew a conditional use in the year that it is due to expire and when a fee has been paid. It also added language stating that the BZA will not renew a permit of use that has been abandoned. Staff was concerned that the term "in the year due" gives some flexibility, but it does not give any flexibility in regards to permits coming due in December. They may not be able to move reviews to January of the next year. Staff recommended approval with the addition of language that would allow the BZA to move a hearing to January of the next year.

Mr. Morse made a motion to accept staff's recommendations.

Mr. Terriaco seconded the motion.

All voted "Aye"

Motion passed.

### **Madison Township Case – District Change of 6.4 Acres B-1 to R-1**

Staff stated the property owner requested that the district be changed on this property from B-1 to R-1. Staff stated that the property was vacant. The land around it was being used as residential, including the adjacent property that was also zoned B-1. The only sanitary sewer that was available is owned by Madison Village and the property may need to be annexed in order for it to be accessed. Staff also stated that the comprehensive plan stated the land should be residential.

Staff recommended approval.

Mr. Klco made a motion recommending approval.

Ms. Diak seconded the motion.

All voted "Aye".

Motion passed.

Mr. Welch asked for any new business. Staff stated that officers needed to be elected.

Mr. Klco nominated Mr. Welch for Chair.

Mr. Constantine seconded.

No other nominations were made.

All voted "Aye".

Mr. Welch was elected Chair.

Mr. Welch nominated Mr. Klco for Vice-Chair.

Mr. Constantine seconded.

No other nominations were made.

Seven voted "Aye".

One voted "Nay".

Mr. Klco was elected Vice-Chair.

There was no public comment.

The meeting adjourned at 6:45 PM.